DOCUMENT RESUME

ED 234 710 HE 016 636

AUTHOR Birnbaum, Robert
TITLE How Neutrals Can Help Bargainers in Troubled Times.
PUB DATE 26 Apr 83
NOTE 20p.; Paper presented at the Annual Meeting of the National Center for the Study of Collective Bargaining in Higher Education and the Professions (11th, New York, NY, April 26, 1983).
PUB TYPE Guides - Non-Classroom Use (055) -- Viewpoints (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Administrators; *Collective Bargaining; *College Faculty; *Communication Problems; Conflict Resolution; Cooperation; Group Dynamics; *Group Guidance; Higher Education; Labor Demands; Problem Solving; *Unions
IDENTIFIERS *Neutrality; Third Party Evaluation

ABSTRACT

The use of neutrals in higher education collective bargaining is considered, with specific reference to a pilot project in which a neutral worked for over a year with the administration and faculty union at a two-year public community college. Eighteen propositions that may promote the creative use of third parties are offered, including the following: neutrals can help the bargaining process only when both sides wish to improve their relationships and desire the use of a third party; a neutral can provide assistance, but parties must retain control of their bargaining relationship; a neutral can help parties collect and analyze data concerning their bargaining relationship to provide insight into the problems of their negotiations process and style; a neutral can help establish structures, such as workshops, in which bargaining parties can meet to discuss the nature of their relationship, and the changes that could improve it; neutrals can suggest new structures for bargaining that may help deal with complex issues; and involvement at the table by a neutral can be accepted as nonthreatening and supportive by the parties if it is focused on process and structure, rather than advocating specific substantive positions. (SW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED234710

How Neutrals can Help Bargainers in Troubled Times

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

✓ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Robert Birnbaum

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

HE 016 636

Robert Birnbaum
Institute for Higher Education
Teachers College, Columbia University
New York, New York 10027
April, 1983

Presented at the Eleventh Annual Conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, City University of New York, April 26, 1983.

There is a long tradition of using third parties to help management and labor achieve closure when they find themselves at impasse and feel unable to make further progress on their own. The processes of mediation, fact-finding, and arbitration are familiar to us, and we all recognize that the presence of an unbiased and presumably fair neutral changes the ways in which bargainers interact. But by the time neutrals enter at impasse, positions have usually been polarized and flexibility of the parties to consider new alternatives severely eroded. Although impasse may be the point in the bargaining process at which neutrals are most commonly used, for many reasons it may also be the period in the relationship between the parties at which they can be least effective.

There is an equally long, but much less widely recognized, tradition of neutral involvement in bargaining which has as its major purpose the prevention of impasse, rather than its resolution. The development of joint labor-management committees with the participation of third parties, the Relations-by-Objectives initiatives of the Federal Mediation and Conciliation Service, and the attempts by several social scientists to change bargaining interactions through Organization Development techniques are all examples of what might be called preventative mediation. The purpose of these programs is to alter the structures and processes through which parties interact at the bargaining table so that they can strengthen their relationships and more effectively resolve their mutual problems.

The next fifteen years promises to be a period of unusual stress for higher education in general, and for union-administration relations in particular. Enrollments and resources are likely to decline in the face of inexorable demographic trends and competing demands for other

critical social services.

If we focus our attention and efforts on our differences, we may use the adversarial and contentious environment of the bargaining table to fight more and more over less and less. In the face of an increasingly malevolent environment, that is a fight that both sides may lose. On the other hand, if, without losing sight of our differing interests, we can focus our attention on working together to solve extremely complex problems of mutual concern, bargaining may fulfill its promise as an instrument for institutional development. The problems we will face in the 1980s and 1990s make it imperative that we consider a new approach to bargaining to accomplish this. My Rutgers colleague, Bert Brown, refers to this new orientation as "mutual-gain bargaining," and I believe that it represents the form of bargaining that will characterize successful labor-management relationships in higher education during the next decades.

The creative use of neutrals can be one way of redirecting the course of negotiations towards mutual gain bargaining. Last year, with support from the Fund for the Improvement of Postsecondary Education, a neutral worked over a twelve-month period with the administration and faculty union of a two-year, public community college to test the idea that a neutral could be a catalyst for more constructive mutual-gain bargaining through involvement with the parties before, during, and after negotiations, as well as at impasse. Union-administration relationships at this college during an earlier ten-year period of campus growth and expansion were considered satisfactory by both parties. However, the onset of enrollment declines, shifts in student interests, and inadequate state fiscal support levels led the

administration during the previous round of negotiations to declare a state of fiscal emergency, institute a reduction in force, and lay off a number of tenured faculty. The negotiations that year were understandably bitter and contentious. As the parties prepared to renegotiate a successor contract in the summer of 1981, their relationship was clearly adversarial, characterized by high levels of distrust and personal animosity, unwillingness to share information, and an almost complete severance of communications. The layoff actions were being legally challenged, and charges and countercharges were being exchanged. When the union and administration were approached and asked if they would be willing to participate in a pilot program to determine if neutrals could help make bargaining more constructive, they both accepted and gave as their reason "it can't get any worse."

They agreed to permit interviews of union and administration representatives, and distribution of a questionnaire on campus to assess the climate of present relationships. They also agreed to permit the neutral to sit in at negotiating sessions with the right to offer suggestions to the parties (later expanded to permit attendance by the neutral at all caucuses). They indicated their willingness to participate in workshops or other experiences which might be suggested by the neutral, and to support an evaluation effort at the conclusion of the project. In turn, the neutral agreed to engage in no activity without prior consultation with, and approval of, the parties, and both parties reserved the right to ask the neutral to withdraw from the campus at any time if it felt its interests were being compromised. These understandings were contained in a letter jointly signed by the parties, which not only ensured that they would retain complete control over the bargaining process but also served as evidence to each other of

their desire to improve their relationship.

In describing some of the activities and outcomes of this pilot project, at various points in this presentation I want to intersperse a number of generalizations or assertions that I would offer as counsel to others interested in the creative use of third parties. I will refer to them as "Propositions" to underscore their tentative nature since they are based primarily on experiences in only one campus. However, they are fully consistent with the experiences of professionals and scholars concerned with the productive management of conflict in many settings, and I believe that they are generally applicable to academic bargaining.

In the first stage of third-party participation in bargaining, the neutral must contact the principals and reach a mutually acceptable understanding with them concerning activities and relationships. Many campuses are familiar with the use of expert consultants as third parties called in by administrators without faculty consultation to examine some aspect of institutional operations. This client-consultant relationship is not sufficient in bargaining, however. Since it is a bilateral process involving two parties approaching each other with legal equality, the use of a third party must be mutually agreeable. In many ways, these initial contacts between the neutral and the administrative and union leadership constitutes the most critical phase of third party involvement, since it is the foundation upon which the balance of the process is built. Based upon our experience, I would suggest the following.

PROPOSITION 1. Neutrals can work effectively in bargaining only when union and administration jointly wish to improve their relationships, and mutually agree on the use of a third party.

PROPOSITION 2. During the initial contact stage, as well as

in all subsequent interaction, a neutral must be honest, open, and evenhanded, and treat both parties as equal partners.

PROPOSITION 3. A neutral can provide assistance, but parties must retain control of their bargaining relationship at all times. This is fascilitated by an understanding that the neutral serves as the pleasure of the parties and will immediately end the relationship at the request of either of them.

The implication of these initial propositions is that the potential usefulness of a neutral in promoting mutual-gain bargaining is negated if the concept is forced on either party. Constructive outcomes must be desired, not imposed, and the neutral is a means, not an end. The goal of the process is to improve the relationships between the bargaining parties, and to permit them to reach more constructive and mutually advantageous contractual agreements. The neutral is effective only to the extent that both parties see him or her as a tool for that purpose. This means that the use of neutrals is not a panacea for the problems of bargaining. A neutral cannot provide assistance if one party sees no need to change the bargaining relationship, or is interested only in attempting to manipulate the other.

Limiting the use of neutrals to situations in which the parties share a desire to improve their relationship may at first glance appear to make neutrals superfluous. However, the desire to change, while necessary, is not by itself sufficient to lead to mutual gain bargaining. For reasons which will be described below, the nature of bargaining is such that even parties with the best of intentions may inadvertently find themselves enmeshed in processes of spiralling disruptive conflict.

Once a neutral has been accepted by the union and administration, the next stage of the process begins. In this diagnostic stage, the neutral works with the union and administration leadership to collect and analyze data which will indicate more precisely the ongoing or anticipated problems in bargaining. The parties may both feel a need to improve their relationships, but at the same time may have different concepts of the cause of their present difficulties and therefore different ideas about what must happen in order for change to occur. One of the functions of the neutral during this diagnostic stage is to help the parties clarify which of their problems are related to apparent conflicts of interest, and which are caused by misunderstandings. Because of the difficulties in maintaining accurate communications in bargaining parties are often unable to correctly make this distinction, yet without an accurate sense of their relationship improvement is exceptionally difficult.

In this project, data were collected to assist in diagnosis in two ways. First, faculty and administrators completed a questionnaire developed for this project which asked them to identify characteristics related to general campus climate, as well as the specific processes and outcomes of bargaining on campus. Second, intensive, open-ended interviews were held with 21 union and administrative leaders on campus in which respondents were asked to identify their perceptions of the bargaining relationship, how it got the way it was, and what both sides could do to improve it. Both the questionnaire data and the interviews were summarized, and presented at separate meetings to the union president and chief negotiator, and to the administration president and chief negotiator. The data were provocative, and the interview comments were frank and in some cases unsettling. Both sides found some of their

perceptions confirmed, and others disconfirmed by what they saw. They both understood the importance of the results, and they both agreed to expose the data to a larger group of people at a full-day, off-campus workshop directed by the neutral. This was a risky decision by both parties, for several reasons. Some of the data reflected politically sensitive issues (for example, the degree to which the faculty supported the union, or administrative perceptions of top campus administration); others dealt with matters which would almost certainly appear in the forthcoming bargaining (for example, the degree of faculty satisfaction with salary levels). In the existing adversarial campus environment, these data could be used by either side to publicly attack the other. In addition, the workshop setting might place either of them in a compromising position, or lead to expressions of overt hostility which could worsen rather than improve their relationships. Dispite these problems, both sides agreed to continue their participation. The reactions of the parties during this diagnosis phase lead to the following propositions.

PROPOSITION 4. A neutral can help parties collect and analyze data concerning their bargaining relationship that will be accepted as valid by both sides, and that will give them insight into the dynamics and problems of their negotiations process and style. This understanding is an essential precondition for change.

PROPOSITION 5. The active involvement of a neutral permits parties to communicate collaborative intentions to each other in a way that would not otherwise be possible when adversarial relationships and low levels of trust make it difficult for either side to accept the word of the other as credible.

PROPOSITION 6. The presence of a neutral provides some protection to the parties against having weaknesses exploited, and therefore makes it more likely that they will be willing to take risks to improve their relationships.

The decision to participate in a workshop to discuss the results of the data collection processes marks the transition between the diagnosis phase and the intervention phase of the project. An intervention can be thought of as an event or process which would not normally occur in an institution but which has been designed to correct some diagnosed problem. It should be noted, however, that while conceptually the use of neutrals is presented in this paper as a sequence of four discrete stages of entry,diagnosis, intervention, and evaluation, in fact elements of each of these are seen all through the programs implementation. The development of trust and credibility, for example, a major concern during the entry phase, is a continuing and recurring issue all through the program. Diagnosis, while most prominent after entry issues have been resolved and before formal intervention activities take place, in fact begins with the first contacts with the campus and is refined and altered by events in all other phases. In the same way, while the concept of intervention achieves formal importance with the development of the workshop and the participation at the bargaining table which followed, in fact even prior to that time a number of important interventions had already affected the ongoing functioning of the campus. For example, the initial contact by the neutral with the union and administration provided an opportunity for signaling to each other by their behavior a desire to improve bargaining, and the interviews and questionnaires themselves were reported later by participants to have called attention by their wording and presentation to problems and opportunities not previously considered.

The off-campus workshop was based on an established OD process called survey feedback in which data collected from a group are given back to it in summary form to be used for understanding and changing organizational processes. Eighteen people attended, evenly divided between the union leadership, the administration leadership, and the heads of the academic divisions who were faculty now also considered part of "middle management." In the morning session, summaries of the questionnaire and interview data were displayed on large charts in front of the room, analyzed by the neutral, and discussed by the participants. Interest was extremely high, the data were considered credible because they had been generated by the participants themselves, comments were almost uniformly analytical and questioning rather than defensive, and people seemed pleased to have an opportunity to publicly confront issues which had previously only been discussed in the hidden processes of the bargaining table. The data indicated agreement by both sides that the college had understood and accepted goals, reward systems which supported those goals, and good student-faculty relations, as well as problems in campus morale and faculty- administrative relationships.There was general satisfaction by both groups in many aspects of institutional functioning, as well as agreement that previous bargaining relationships had reduced trust, decreased communications, and exaccerbated adversarial relationships.In particular, they were surprised by the mirror images they had of each other as bargainers. For example, the data indicated that they saw their own positions as reasonable while those of the other side were not, and in the same vein questioned the openness and flexibility of the other, the support of their constituencies, their desire to cooperate, and their willingness to listen to new ideas and understand the other, while at the same time

believing that their own side was free of these faults. The neutral was able to discuss these results in terms of commonly experienced consequences of intergroup conflict, and to suggest that in a system of low trust and inadequate communications parties are likely to see only those behaviors of the other which confirm their own expectations, and to ignore or misunderstand behaviors by the other which would contradict them.

The afternoon session of the workshop was structured to permit the three role groups to meet separately to identify specific problems which they discussed in the morning session, and then to meet together to see if the entire group could work on one of these problems and achieve consensus on the next steps that should be taken to correct it. Because of time constraints, the afternoon session was not fully successful in achieving its goal. Nevertheless, the entire process was later evaluated by the participants as having had significant impact upon the perceptions of each group about the other, increasing understanding of the nature of their poor relationships, and changing the behaviors of several of the participants. Based upon this experience, I have the following reactions.

PROPOSITION 7. A neutral can help negotiators establish structures, such as workshops, in which bargaining parties can come together to discuss the nature of their relationship, and the changes which could improve it.

v PROPOSITION 8. Sponsorship of such an activity by a neutral legitimates the open expression of views, and ensures that conflict generated will not get out of hand; the off-campus setting removes the participants from the common distractions of the campus, and by clearly separating the activity from bargaining makes more open communication possible.

Formal bargaining at the table began shortly after the completion of the workshop, and participation of the neutral at the bargaining table, in caucuses, in joint union-administration study committees, and in casual meetings with the bargainers before and after the sessions constituted the major elements of the intervention phase of the project. It is impossible to completely describe in this presentation the full range of activities of the neutral over XXX hours of bargaining held during YY sessions; indeed, preliminary content analysis of notes at each session identify literally hundreds of individual behaviors, ranging from mediating a dispute to rearranging chairs in a committee meeting room. It is critical to note, however, what the neutral did not do, and that is attempt to influence the parties concerning the content of the contract. Rather, the neutral's role was to assist the parties by focussing their attention on the process of their interaction, and thus to help them more effectively accomplish their own objectives. We all recognize the difficulty that people have in clearly communicating ideas so that the message sent by one is completely understood by another. This problem is intensified when the topics become more complex, and when the parties fill different organizational roles and thus have different perceptions of organizational life. But perhaps of even greater importance, communication is problematic when the parties are in competition -- and bargaining is a clear example of a competitive relationship. That is why bargainers are apt to focus their attention on the differences between their positions rather than their similarities, to create stereotypical images of the other, to filter communication so that messages inconsistent with the stereotype are filtered out and ambiguities are distorted, and finally to be so committed to ones own solutions that one is literally unable to hear,

much less understand, the positions of others. One example demonstrating the effect of bargaining on communication ocurred during one of the final sessions in this project. Several participants were disussing the possible inclusion of a specific clause in the contract. Two alternative positions were mentioned, voices were raised, various interpretations of the two positions were offered, and additional matters were injected into an increasing agitated argument so that it became difficult for the neutral to understand individual positions or even the topic being discussed. Finally, one of the participants summarized the issue and asked for people to go around the table and clearly state their position. As a consequence, it was discovered that everyone who had been arguing held exactly the same position. One of the participants asked incredulously "You mean we've all been in agreement on this for the last 15 minutes? I thought you guys disagreed." He then turned to the neutral, laughed, and said, "It's all in line with your theory on how bargainers can misunderstand each other." I have used this example, rather than many others, because of the unusual circumstances of this argument; it took place in a team caucus, and not in the bargaining conference! If, in the heat of battle, it is easy to misinterpret the intentions and meanings of ones colleagues, consider how much more likely a bargainer is to do so faced with an adversary. But while we are able to laugh about misunderstandings with our friends and attribute them to the complexity of the material, we are more likely to attribute exactly these same misunderstandings with an adversary to duplicity, incompetence, or a desire to harm us, leading to a further deterioration in the bargaining relationship.

In this particular situation the neutral merely observed, but in many others, the neutral actively intervened into the process in one of four settings; at the bargaining table, in caucus, at joint study committee meetings, and in informal meetings with bargaining participants. We are now in the process of creating a typology of these interventions so that we can more fully understand the dimensions of the neutral role. At the moment, however, brief examples of different behaviors in each of these four settings will serve to illustrate these activities.

At the bargaining table, the neutral at several points helped to clarify positions by summarizing what had been said during long periods of discussion, proposed language for a contract clause that met the needs of both parties but which they were having difficulty in constructing, helped the parties to establish joint study committees to take complex issues off the table, and focussed attention on the task when discussion strayed too far from the agenda. In caucus, the neutral helped parties consider likely responses of the other side to bargaining initiatives, provided information about programs and practices existing elsewhere, suggested means by which parties could develop and sustain a climate of trust, and clarified misunderstandings that individuals on one side had about the positions of colleagues or rival bargainers.

The neutral assisted the parties in establishing two joint study committees, and one off-the-record problem solving group which could give more careful attention to complex mutual problems such as faculty retraining, promotions policy, and early retirement than would be possible in the competitive interaction of the bargaining table. At various times, neutral involvement included collecting and distributing

to the parties articles and program descriptions on these topics from other institutions, providing one committee with drafts of language which accurately reflected their discussions, and serving as convenor and facilitator of a brain-storming session at which administration and union negotiators worked together as colleagues to jointly develop as inclusive a list as possible of alternatives which they later could consider. The work of the joint committees was accepted by the negotiators and incorporated into the contract. As one participant said later at the bargaining table, "these were real working committees, they weren't adversarial at all, and there was no issue of turf involved." Finally, in addition to working with the bargainers in these formal settings, the neutral met frequently before or after bargaining sessions with individuals in the bargaining process to discuss their perceptions of progress, serve as a sympathetic listener, suggest aspects of their bargaining behavior that might be creating unwanted responses in others, and ensure that they had understood collaborative overtures by the other side which might have gone unnoticed in the heat of debate. Experiences with these behaviors suggest the following statements.

PROPOSITION 9. Non-intrusive interventions by a neutral into the processes and structures of bargaining can influence both the climate of the bargaining table and the outcomes of the negotiations.

PROPOSITION 10. Even when silent at the table, a neutral's presence can change the actions of the participants by making them more self-conscious of their behavior.

PROPOSITION 11. Neutrals familiar with higher education can provide informational resources to the parties that otherwise might not be accessible to them; their introduction by a neutral rather than by a party to the negotiations increases the likelihood that they will be considered nondefensively.

PROPOSITION 12. Neutrals can be effective in suggesting new structures for bargaining which are useful for dealing with complex issues. Joint study committees provide one such alternative structure which permits problem-solving rather than advocacy

behavior, and leads to the development of solutions meeting the interests of both sides.

PROPOSITION 13. Involvement at the table by a neutral can be accepted as non-threatening and supportive by the parties if it is seen by them as focussed on process and structure, rather then advocating specific substantive positions.

PROPOSITION 14. Intensive contact by the neutral with the participants during the earlier diagnosis stage is probably related to the credibility and trust later afforded the neutral during the more sensitive bargaining interactions.

As a result of these interventions, the relationships and communications between the parties were greatly improved over those seen in the previous round of negotiations. But now, after dealing with significant non-monetary issues, the parties turned to salaries and fringe benefits The fiscal crises that had been the proximate cause of their previous animosity had not abated, and the collaborative intentions and behaviors which had been developed over the past months began to deteriorate. Finally, the union believed that no further progress could be made and decided to declare impasse and seek the assistance of a state mediator. The neutral, who had been present in all caucuses, knew that a settlement range existed, that the parties were closer to agreement than they realized, and that without assistance the parties would be unlikely to be able to discover this for themselves. He therefore offered to serve as mediator, and both sides agreed. Because of the trustful and open relationship developed previously, he was able after brief meetings to suggest a salary package which, after several minor modifications, was accepted. A number of issues were still unresolved on the table, and one of the parties suggested that mediation be extended to include these as well. In one additional day of separate discussions with the parties, a package was developed which was approved by both of them, negotiations were concluded, and union- administration peace broke out.

Experience with this phase of the project suggests the following.

PROPOSITION 15. Mediation by a neutral who has previously worked with the parties may be seen by them as a continuation of their collaborative relationships rather than as a formal indication of impasse and inability to agree. Ths more constructive orientation to mediation may make it more effective than traditional crisis intervention.

PROPOSITION 16. When a mediator knows the real interests of the parties because of previous involvement with them, there is no need for them to posture and no incentive to misrepresent their goals as a bargaining ploy, as might be the case with a state mediator. Full use can be made of the neutral's good offices to help parties search for mutually acceptable solutions.

The outcomes of this project were evaluated in two different ways. One was through a comparison of questionnaire data collected both before and after the neutral-assisted bargaining. On 15 items dealing with the relationships between the union and the administration, administrators saw improvement in 14 at the conclusion of bargaining using a neutral compared to the pre-bargaining ratings, and faculty saw improvement in 10. In general, the parties saw increased trust, more frequent communications, diminished adversarial relationships, increased commitment to work together on common problems, and decreased levels of misunderstanding as a result of the new bargaining process.

The other, and perhaps more pursuasive evaluation, was performed by a three-person project advisory committee which visited the campus at the conclusion of bargaining, interviewed the union and administration leadership, and assessed the projects results. Their evaluation fully supported the empirical data. The parties were satisfied with the outcomes of the negotiations, pleased at positive changes in their relationship, and extremely supportive of the role neutrals could play. They had gained valuable experience in working with each other, were

more understanding of the needs of the other side, and made changes in their bargaining style. In particular, they noted that several innovative clauses in the contract related to faculty retraining and early retirement would most likely not have been included in the absence of a neutral. In addition to determining the consequences of the neutrals involvement, the evaluation team visitation was itself an intervention. Operating much like an accrediting team, at the conclusion of their visit they had an exit interview jointly with the administration and union leadership to indicate their findings, reinforce the parties changes of behavior, and suggest the importance of maintaining their new relationship in their future interactions. Experiences during this last phase of neutral involvement lead to the following.

> PROPOSITION 17. Questionnaires can be used to assess changes in bargaining relationships related to the use of neutrals, as well as to diagnose problems prior to neutral involvement. They thus offer an inexpensive way for the parties to become more self-conscious about their relationship and increase its rationality.
>
> PROPOSITION 18. Accreditation-like reviews of bargaining process by neutrals can serve to highlight to the parties both the positive aspects of their new behaviors as well as the need for improvement. Joint exit interviews can also reinforce new behaviors, therefore making them more likely to recur in the future.

Although this project was probably among the most carefully documented and evaluated interventions into a real-life, ongoing collective bargaining relationship, many questions about it are still unanswered. Why did the parties change? Was the presence of a neutral itself enough to inhibit behavior that would otherwise have occurred in private? Or was a particular aspect of the intervention more or less responsible, and if so which one? To what extent was the acceptability

of the neutral during the intervention phases predicated on trust built up during the diagnosis stage? Can a stage in the process be skipped without lessening its effectiveness? Are these processes more or less effective in institutions of various types, or with parties whose previous relationships are more or less adversarial? Did the parties get all there was to get in this negotiation, or in the absence of a neutral would the administration have exacted greater concessions, or the union achieve increased benefits?

There are no definitive answers to these, but my own opinion is that without the involvement of the neutral these parties would have gone to impasse, lost the opportunity to develop some unusual programs, and perpetuated their adversarial and highly strained relationships. Probably of even greater importance, they would have foregone the major benefit afforded by mutual-gain bargaining -- the opportunity to begin working together as equals and colleagues on the critical questions which will confront all of us as educators during the next 15 years. If they can maintain and strengthen these bonds in the future, they will help to construct a new model of bargaining that meets the unique needs of the academic community in troubled times.